

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

:
Government,

: 15 Cr 73 (RMB)

:
- against -

:
ADMINISTRATIVE
ORDER

EVGENY BURYAKOV,

:
Defendant.

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Regarding the proposed Order and Letter to the High Court of Ireland for International Judicial Assistance, submitted to the Court on January 13, 2016, the Court suggests that counsel make the changes in the letter attached hereto, if agreeable to both sides.

Please meet and confer and provide an updated draft to the Court today.

Dated: New York, New York
January 14, 2016

RMB

RICHARD M. BERMAN
U.S.D.J.

USDC SDNY
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DATE FILED: 1/14/16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

15 CR. 73 (RMB)

EVGENY BURYAKOV,

Defendant.

**LETTER OF REQUEST TO THE HIGH COURT OF IRELAND
FOR INTERNATIONAL JUDICIAL ASSISTANCE**

The United States District Court for the Southern District of New York, Honorable Richard M. Berman, United States District Judge, presiding, presents its compliments to the High Court of Ireland (the “Irish Authority”), and respectfully requests judicial assistance in the preservation of evidence for trial, specifically, to conduct a deposition under oath of a witness, Mrs. Marina Buryakova. As confirmed below, it has been established by this Court that Mrs. ^{MAY be} Buryakova’s testimony ~~is~~ material to the above-referenced criminal matter, *United States v. Evgeny Buryakov*, pending before the United States District Court, Southern District of New York, and that it is in the interests of justice that Mrs. Buryakova’s testimony be obtained by way of a deposition so that it may be available for use in this matter. A trial on this matter presently is scheduled to begin on April 4, 2016.

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the Irish Authority issue an order permitting the voluntary appearance of Mrs. Buryakova (a Russian citizen and resident), so that she may be deposed by counsel for Mr. Buryakov and the United States (through the United States Attorney’s Office for

[Draft: January 13, 2016]

the Southern District of New York), at The Westin Dublin, Westmoreland Street, Dublin 2, Ireland, or a location otherwise agreed to by the parties (and deemed appropriate by the Irish Authority). This Court has authorized counsel for Defendant to transmit this letter of request to the Irish Authority, pursuant to Irish law, in the interests of expediting the requested deposition.

THE ALLEGATIONS

The United States government is alleging in this matter that the defendant, Mr. Buryakov, has violated 18 United States Code (“U.S.C.”) § 951, which prohibits acting in the United States as an agent of a foreign government without prior notification to the Attorney General. The United States Government further alleges that Mr. Buryakov conspired to violate 18 U.S.C. § 951, in violation of 18 U.S.C. § 371. The factual basis alleged in the Indictment is that Mr. Buryakov, with the assistance of two alleged co-conspirators, was working in the United States on behalf of the foreign intelligence agency of the Russian Federation without providing proper notification to the United States Government.

SUBJECT OF THE REQUEST FOR JUDICIAL ASSISTANCE

The witness, Mrs. Marina Buryakova, is the wife of the defendant and has agreed to appear and be deposed in Dublin, Ireland, by counsel for Mr. Buryakov and the United States. Mrs. Buryakova is a citizen of the Russian Federation and resides in Moscow. Mrs. Buryakova
may be
is expected to provide evidence that is material to this matter, and the parties seek to preserve her testimony for use at trial in this matter. She has agreed to travel to Dublin, Ireland, to be deposed. Mr. Buryakov waives his physical presence at the deposition; if feasible, counsel for Mr. Buryakov will attempt to make it possible for Mr. Buryakov to monitor the deposition by telephonic or electronic means. The Court is ordering this deposition to preserve the testimony of this witness for trial in this matter.

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- questioning, show Mrs. Buryakova documents or other items and/or mark documents or other items as exhibits. After that questioning is concluded, attorneys for the United States will pose questions, and may, in the course of questioning, show Mrs. Buryakova documents or other items and/or mark documents or other items as exhibits. Re-direct and re-cross examination will be allowed by the attorneys, as applicable. In the event that either party objects to a question, the objecting party *concisely and in a nonargumentative and non-suggestive manner* shall *briefly* state the objection and the ground therefore on the record. To the extent the witness does not answer the question, the questioning party may seek a telephonic ruling from this Court on the objection, *but shall* *The parties may* continue the deposition. ~~- pending a ruling on any objection, or adjourn the deposition pending a ruling from this Court on an objection. Any other objections, and~~ *T*he ultimate admissibility at trial of any portion of the deposition, shall be ruled on by the Court in connection with the trial of this matter. *The Court will be available between the hours of 8:30 - 10:30 AM (EST) on March 1, 2016 to receive any objections telephonically.*
10. Language: The questions will be posed in English, and a United States Court *if supported by transcripts* Certified Interpreter qualified in English and Russian will be present at all times to interpret the questions to and answers of Mrs. Buryakova, as necessary. As noted above, it is further requested that the interpreter be sworn to an oath prior to the commencement of the deposition.
11. Transmission of Transcript: The deposition transcript, and any documents or other material marked as exhibits to the deposition, and any video recording of the deposition shall be transported and/or transmitted back to the United States by defendant's counsel, with a copy to counsel for the United States.
12. Notice: This letter of request has been ordered by the Court and made on notice to: